



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**MAY 29 2014**

CERTIFIED MAIL 7010 1060 0002 1705 4822  
RETURN RECEIPT REQUESTED

Mr. Aaron Sullivan  
P.O. Box 1550  
Evans, Georgia 30809

Re: Information Request Pursuant to Section 308 of the Clean Water Act  
National Pollutant Discharge Elimination System General Permit No.: GAR100001  
Magnolia Valley Plantation and Magnolia Hills Subdivisions

Dear Mr. Sullivan:

On April 23, 2014, the U.S. Environmental Protection Agency, Region 4, and Columbia County performed a Compliance Stormwater Evaluation Inspection of the Magnolia Valley Plantation and Magnolia Hills Subdivisions Construction Site located on William Few Parkway in Columbia County, Evans, Georgia. The purpose of the EPA's participation in this inspection was to evaluate your compliance with the requirements of Sections 301 and 402(p) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1342(p); the regulations promulgated thereunder at 40 Code of Federal Regulations (C.F.R.) § 122.26; and the *Authorization to Discharge Under the NPDES Storm Water Discharges Associated with Construction Activity for Stand Alone Construction Projects* General Permit No. GAR100001 (Permit).

Section 402 of the Clean Water Act (CWA) specifies that a National Pollutant Discharge Elimination System (NPDES) permit is required for any stormwater discharge associated with construction activity. The EPA's stormwater regulations, set forth at 40 C.F.R. § 122.26(c), require sites with large construction activities, as defined in § 122.26(b)(14)(x), and/or small construction activity, as defined in § 122.26(b)(15)(i), to seek coverage under an NPDES stormwater permit.

The EPA is continuing to investigate your compliance with the CWA and the Permit. Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in Enclosure A within 30 calendar days of your receipt of this letter. Answer each question as clearly and completely as possible. The response should be directed to:

Mr. Ahmad Dromgoole  
U.S. Environmental Protection Agency, Region 4  
Clean Water Enforcement Branch  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303-8960

Responses to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible company official in accordance with 40 C.F.R. § 122.22:

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 30% Postconsumer)

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information, under 18 U.S.C. § 1001.

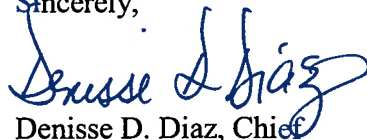
Preserve, until further notice, all records (either written or electronic), which exist at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the Clean Water Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action. In addition, the Securities and Exchange Commission (SEC) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the SEC. To assist you, EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

If you have questions regarding this notice and information request, please contact Mr. Dromgoole at (404) 562-9212.

Sincerely,



Denisse D. Diaz, Chief  
Clean Water Enforcement Branch  
Water Protection Division

Enclosures

cc: Mr. Jeff Darley  
Georgia Environmental Protection Division

Mr. James A. Capp  
Georgia Environmental Protection Division

Mr. Matt Schlochter  
Columbia County

## Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The terms "And" and "Or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term "Identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term "Identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term "Identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "Site" shall mean the Magnolia Valley Plantation and Magnolia Hills Subdivision located on William Few Parkway in Columbia County, Evans, Georgia.
8. The term "You" and "Your" shall mean Mr. Aaron Sullivan, and/or any company, entity, or corporation that has directed work at the Site.
9. The term "NPDES" or "NPDES Permit" shall mean National Pollutant Discharge Elimination System permit or any state permit (i.e., NPDES), issued pursuant to the Clean Water Act.
10. The term "Discharge" shall mean the addition of any pollutant to navigable waters; i.e., surface water sources ditches, or streams.
11. The term "Wetlands" shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
12. The term "Stormwater" means any runoff generated when precipitation from rain or snowmelt events flows over land or impervious surfaces and does not percolate into the ground.

**ENCLOSURE A**  
**REQUEST FOR INFORMATION PURSUANT TO SECTION 308**

**Instructions**

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the question and subpart of the question to which they are responsive.
5. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
11. All documents provided in an electronic format should be compatible with .pdf.
12. All spreadsheet information should be in electronic format and compatible with MS Excel.
13. Information shall be provided for all companies, all subsidiaries, resources groups, or other corporate entities. Thus, the response to each question concerning the company's activities should reflect information regarding each and every entity.

### Questions

1. Identify the names and addresses of all current owner(s) of the Site. Specify the legal name with the exact spelling of each owner. Provide the mailing address and phone number for each owner. Specify the state of incorporation and principal place of business for each corporate owner. If incorporated, provide the name and mailing address of the registered agent for each state in which business is conducted.
2. For each entity and/or individual that has a current ownership interest in the Site, provide the names and addresses of each officer, director, or shareholder, including both majority and minority shareholders, of the company, and describe any ownership interest, including percentage of ownership each individual officer, director, or shareholder, including both majority and minority shareholders, has in the company.
3. Identify all persons who control or controlled implementation of construction activities at the Site. Control may include, but may not be limited to, holding the Permit for, directing, and/or overseeing construction activities, such as clearing, grading, and excavating activities associated with the physical construction at the Site and/or implementing, installing and/or maintaining best management practices associated with stormwater control measures (e.g., day-to-day operational control overseeing the implementation of the Plan at the Site). Provide the name and address of, and identify the activities performed by, each such person specified, including the dates such activities are or were performed at the Site.
4. Identify all persons who provide or provided design control over the Plan for the Site (e.g., designing and maintaining the Plan). Provide the name and address of, and identify the activities performed by, each such person specified, including the dates such activities are or were performed at the Site.
5. Provide reports, from the design professional who prepared the Site's SWPPP, of inspections performed within seven (7) days after the installation of the Site BMPs to determine whether the BMPs have been installed correctly and/or being properly maintained. Include with this details of corrective actions taken by the owner/operator in response to the report correcting any deficiencies. This should include details of the corrective actions and their completion dates.
6. Provide the following information regarding the construction activities at the Site:
  - a. Provide the specific date(s) for the commencement of construction at the Site;
  - b. Describe the condition of the surface of the Site (e.g., natural soil, forested, stripped, paved, etc.) before commencement of construction activities;
  - c. Provide the current stage of the construction activity at the construction Site (e.g., clearing/grubbing, grading, infrastructure, building construction, final stabilization, etc.);
  - d. Provide the total number of acres disturbed by construction activities at the Site. If the construction Site is/was part of a larger common plan of development or sale, such as a phased project, common marketing plan, common developer, or single plat, specify the number of acres of the larger common plan of development or sale. If the land disturbing activities occurred in phases, provide the date and description of each phase. Include with this, the largest amount of disturbed land at the Site during the various construction phases;
  - e. Provide details of the major grading activities that have occurred at the Site. This should include the grading dates, area on Site being graded, and number of acres graded;
  - f. Provide dates and periods of time when construction activities at the Site or at various portions of the Site has temporarily or permanently ceased; and

- g. Provide dates and descriptions of any seeding and/or other stabilization events that have occurred at the Site or at portions of the Site since the initiation of the construction activity.
- 7. Provide a copy of all Site inspection reports, notices of violations, administrative orders, cease and desist orders, and all related correspondence from local, State, or federal agencies related to the construction activities at the Site.
- 8. Provide a copy of all permit(s) issued by the United States Army Corps of Engineers (Corps) related to construction activities at the Site, copies of all applications for such permit(s), and all related correspondence with the Corps. If you did not apply for a permit from the Corps, please provide a narrative of your reasons for not obtaining a permit.
- 9. Provide all documentation pertaining to delineation of wetlands and waters of the United States at the Site, whether prepared by the Corps or by another entity. In addition, provide copies of any on-site environmental assessments that were done on soils, vegetation or hydrology at the Site.
- 10. Provide a signed copy of all Notice of Intent documents submitted to obtain authorization under the current Permit for the Site. If no permit was obtained, provide a detailed explanation of the reason(s) for not obtaining authorization under an NPDES permit.
- 11. Provide descriptions of each type of construction stormwater inspection and related documenting procedures for the Site as required by Part IV.D.4 of the Permit. This includes, but is not limited to, information pertaining to scheduling, conducting, documenting, and reporting the various inspection and maintenance requirements.
- 12. Identify the certification and stormwater training obtained by each individual that has conducted Site inspections from the commencement of construction activities to the date of this Information Request as required by Part IV.D.4 of the Permit. If any Site inspector(s) is/was not certified or have stormwater training, provide an explanation for why the individual had not received training.
- 13. Provide copies of the following information from the start of construction at the Site until the date of this Information Request:
  - a. The initial Stormwater Pollution Prevention Plan (SWPPP), the SWPPP in effect at the time of the EPA's Compliance Stormwater Evaluation Inspection on April 23, 2014, and the current SWPPP (if this document has changed since the inspection). If available, please provide these documents in an electronic format;
  - b. The inspections of the onsite areas of petroleum storage and areas where vehicles enter and leave the Site for each day of construction activity in accordance with Part IV.D.4.a of the Permit;
  - c. The weekly inspections of all areas disturbed by construction activity, including perimeter BMPs and areas used for storage of materials that are exposed to precipitation, and storm event inspections of these areas after any storm event greater than 0.5-inches of rain per 24-hour period in accordance with Part IV.D.4.a of the Permit;
  - d. Rainfall information collected in accordance with Part IV.D.4.a of the Permit; and
  - e. Provide records documenting that the ground stabilization requirements in Part IV.D.3.a(1) of the Permit have been met when land disturbing activities have temporarily or permanently ceased.
- 14. Provide the following information about the various water retention and detention BMPs at the Site. These BMPs include, but are not limited to, seep berms, sediment traps, and sediment basins.
  - a. The design dimensions and actual dimensions of these BMPs;

- b. The design and actual dimensions and configurations of the outfalls;
  - c. The anticipated and actual drainage area to these various BMPs; and
  - d. The practices taken to remove water and/or sediment from these BMPs, including both designed drainage events and periodic drainage events (i.e., maintenance and mechanically pumping). This should include a description of the procedures, description of what is done with the removed water and/or sediment, and a list of when periodic drainage events have occurred in the past two years.
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## ENCLOSURE B

### RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.